



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,386	07/22/2003	Gregory J. Erisoty	EGJ-1-CONT	9777
7590	04/07/2005		EXAMINER	
Ira S. Dorman Suite 200 330 Roberts Street East Hartford, CT 06108			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,386	ERISOTY ET AL.	
	Examiner	Art Unit	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 14, 15, 19 and 20 is/are allowed.
- 6) Claim(s) 12, 13, 16-28, 31 and 32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 13, 17-27, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy (4,680,863) in view of Howell (1,245,345). In regards to claim 12, Duffy discloses the invention including a saw frame (10) comprising an elongate back member (15), a handle portion (11), and an elongate swing arm pivotably connected to the back member at a connection point distal from the handle portion (40) so as to be pivotable between an extend position transverse to the back member (Fig. 9a) and a storage position aligned with the back member (Fig. 6), the handle portion includes at least a first blade-engaging element (35), the swing arm includes at least a second blade-engaging element disposed distal from the connection point (40a), at least a third blade-engaging element disposed proximal to the connection point (42a), that each of the blade-engaging elements being constructed to engage one end of a removably mounted saw blade (Figs. 9a-f), and the first, second, and third blade-engaging elements are generally co-planar and located such that, with the swing arm in the extended position, the second and third blade engaging elements are commonly disposed on an arc circumscribing the first blade-engaging element (Figs. 1 and 4).

In regards to claim 13, Duffy discloses the handle portion includes a quick-release blade tensioning mechanism operative to releasably apply, at the first blade engagement element, a selectable amount of tension to the mounted blade (26), and the frame is capable of allowing conversion without the need for adjustment of the amount of tension, between a first configuration and a second configuration (Figs. 9a and 9e).

In regards to claims 17-22, Duffy discloses the back member is substantially rectilinear (10), the back member further includes an upwardly opening channel in which the swing arm is disposed in the storage position (36c), a downwardly extending lobe proximal to the connection point (42), the lobe includes a bearing surface that limits the pivotable movement of the swing arm (Fig. 1), with the swing arm in the extended position, a first theoretical line extending between the first and second blade engagement elements is disposed substantially parallel to an axis extending in the direction of elongation of the back member (Fig. 9a), and a second theoretical line extending between the first and third blade engagement elements is angularly disposed with respect to the axis extending in the direction of elongation (Fig. 9e).

In regards to claims 23-27, and 31, Duffy discloses a saw blade (B), that when the swing arm is in the extended position the saw blade is mounted on the first and second blade-engaging elements (Fig. 9a), the handle portion comprises a grip portion integrally formed with the back member (14), and the third blade-engaging element is disposed in a fixed position (42a).

However, Duffy fails to disclose that the third blade-engaging member is on a lobe fixed on the rigid back member. Howell teaches a rigid back member (2 and 5) with a fixed lobe (5) including third blade-engaging member (7). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Duffy with rigid back member with a fixed lobe including a third blade-engaging member, as taught by Howell, to provide more a more solid frame structure.

3. Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy. Duffy discloses the invention including that each of the blade-engaging element comprise pins projecting from orienting blade-supporting surface (35, 42a, and 41a in Duffy) but fails to disclose that the pin are conical. It would have been an obvious matter of design choice to make the different portions of the pins of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Duffy in view of Howell with conical pins to allow for a more secure connection means.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy in view of Howell as applied to claim 12 and 27 above, and further in view of Keymer. Duffy and Howell disclose the invention but fail to disclose that the quick-release blade-tensioning mechanism includes an operating lever pivotally connected to a lower part of the handle portion. Keymer teaches a quick-release blade-tensioning mechanism that includes an operating lever pivotally connected to a lower part of the handle portion

(52). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Duffy in view of Howell with an operating lever, as taught by Keymer, to allow for the quick-release blade-tensioning mechanism to be locked into place to prevent any unwanted un-tensioning of the blade.

Allowable Subject Matter

5. Claims 14, 15, 29 and 30 are allowed. Claims 14 and 29 is allowable over the prior art because of the apparatus incorporating a handle portion with first and fourth blade-engaging elements, a swing arm with second and fifth blade-engaging elements, and a back member including third and sixth blade-engaging elements. There is no motivation to modify the handle portion, swing arm, or back member of Duffy to incorporate an additional blade-engaging element.

Response to Arguments

6. Applicant's arguments, see line 13 of page 14 through line 14 of page 15, filed 21 March 2005, with respect to the rejection(s) of claim(s) 12 under Duffy have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Duffy in view of Howell.

Also, the argument that the second and third blade engagement elements of Duffy do not satisfy the limitation of being disposed on an arc circumscribing the first blade-engaging element is not persuasive. Claim 12 states "said second and third blade-engaging elements are commonly disposed on an arc circumscribing said first blade-engaging element".

Art Unit: 3724

An arc is defined by:

arc (ärk) noun

1. Something shaped like a curve or an arch¹

The claims does not disclose a specific shape or any other structural details about the arc other than it circumscribes the first blade-engaging element. Therefore, any shaped curve that can circumscribe first blade-engaging element and run through the points where the second and third blade-engaging elements are commonly disposed meets this limitation. In light of this definition, the arc drawn in "Exhibit B" could be modified to pass through the upper point rather than pass by and still meets the claim limitation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

¹ *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from IHSN Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
April 4, 2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700